

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS JOHN HEYDEN,

Plaintiff

Case No. 3:24-cv-00600-ART-CLB

ORDER

v.

MINERAL COUNTY DETENTION
FACILITY, et al.,

Defendants

On December 30, 2024, pro se plaintiff Thomas John Heyden, an inmate housed at the Mineral County Detention Facility, submitted a complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). There are a couple of errors with Plaintiff's filing. First, Plaintiff did not pay the full \$405 filing fee for this matter or file a complete application to proceed *in forma pauperis* on this Court's approved form. (See ECF No. 1). Second, Plaintiff's complaint appears to be deficient. (See ECF No. 1-1).

I. DISCUSSION

A. Filing Fee

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
 2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
 3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
 4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 B. Complaint Form

6 Under the local rules, a pro se plaintiff must file a civil rights complaint on the form
 7 provided by this Court or the complaint must be legible and contain substantially all the
 8 information called for by the Court's form. See Nev. Loc. R. Prac. LSR 2-1. Plaintiff's civil
 9 rights complaint is not on this Court's form and does not appear to contain the information
 10 called for by this Court's form. (See ECF No. 1-1). Plaintiff should file a complaint on this
 11 Court's approved form.

12 II. CONCLUSION

13 It is therefore ordered that Plaintiff has **until February 7, 2025**, to accomplish the
 14 following two items:

- 15 1) File his complaint using the correct form for federal court.
- 16 2) Either pay the full \$405 filing fee or file a fully complete application to
 17 proceed *in forma pauperis* on this Court's approved form with all three of the following
 18 required documents:

- 19 (i) a completed application with the inmate's two signatures on page 3,
- 20 (ii) a completed financial certificate that is signed both by the inmate and
 21 the prison or jail official, and
- 22 (iii) a copy of the inmate's trust fund account statement for the previous six-
 23 month period.

24 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
 25 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
 26 to refile the case with the Court, under a new case number, when Plaintiff can file a
 27 complete application to proceed *in forma pauperis* or pay the required filing fee.

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1 The Clerk of the Court is directed to send Plaintiff: (1) this Court's approved 42
2 U.S.C. § 1983 complaint form with instructions; (2) a copy of Plaintiff's complaint (ECF
3 No. 1-1); and (3) this Court's approved form application to proceed *in forma pauperis* for
4 an inmate with instructions.

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6 DATED: January 3, 2025

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9 UNITED STATES MAGISTRATE JUDGE
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